**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**FAO No. 3550 of 2016(O&M)**

**Date of decision: 29.8.2018**

Surajmal and another …..Appellants

VERSUS

Yogender Singh and others .....Respondents

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**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. S.S. Mor, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for respondent – insurance company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Bhiwani in short 'the Tribunal') on account of death of Naresh Kumar in a motor vehicular accident that took place on 20.09.2014.

The Tribunal has awarded compensation of Rs.21,22,700/- detailed hereunder:-

| | |
|---|---|
| Monthly income of the deceased | Rs.26951/- |
| Deduction for personal expenses | 50% |
| Multiplier | 13 |
| Loss of dependency | Rs.21,02,700/- |
| Expenses on transportation and last rites | Rs.20,000/- |

The deceased was a Constable with State of Haryana. Constable Jatinder PW-4 proved the salary slip Ex.P2 as an evidence of salary of the deceased at Rs.26,951/- per month. The annual income is Rs.3,23,412/-. After deducting liability to pay income tax, annual loss of dependency comes to Rs.3,16,071/-.

The claimants shall be entitled to addition in income for future prospects at the rate of 50%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. The Tribunal has applied multiplier of 13 on the basis of age of parents of the deceased. The deceased was 24 years old at the time of occurrence, therefore, admissible multiplier would be 18 in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77; Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.42,66,958/- [Rs.56,89,278/- (Rs.3,16,071 x 18) + Rs.28,44,639/- (50% towards future prospects) – Rs.42,66,958/- (50% deduction towards personal expenses).

Under conventional heads, the claimants shall be entitled to Rs.30000/- i.e. Rs.15000/- for funeral expenses and Rs.15000/- for loss to estate.

In view of the above, total compensation comes to Rs.42,96,958/- and the additional amount is Rs.21,74,258/- (Rs. 42,96,958/- - Rs.21,22,700/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

The deceased was an employee of State of Haryana. Counsel for the appellants would inform that application filed for grant of financial assistance to family of the deceased has been rejected by the Director General of Police, Haryana vide letter dated 29641 dated 01.12.2014. The appellants have not initiated any proceedings either before the Departmental Authorities or in the Court claiming benefit of financial assistance under the Haryana Compassionate Assistance to the Dependants of Deceased Government Employees Rules, 2006 (In short 'Rules of 2006). In the given circumstances, no deduction is to be made under the Rules of 2006 in the light of judgment of Hon'ble the Supreme Court **Reliance General Insurance Co. Ltd. Vs. Shashi Sharma, 2016(4) RCR (Civil) 569**. However, if at some future occasion, the appellants assert their right for grant of compassionate assistance under the Rules of 2006 and the same is allowed by an authority or Court, the insurance company would be at liberty to file an appropriate application before the Court for necessary relief.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

**AUGUST 29, 2018** **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no